

Remarks

A. Claims Pending

Claims 4500-4509 and 4511-4557 are pending. Claims 4500, 4507, 4526, 4532, 4533, 4536, 4539-4541, and 4544 have been amended. Claims 4507, 4526, 4532, 4533, 4536, 4539-4541, and 4544 have been amended for clarification and/or for correction of typographical errors. Claims 4510 and 4574-4603 have been cancelled.

B. Restriction

Applicant elects the claims of Group I, namely claims 4500-4573, drawn to a method of heating a coal formation at a temperature to allow syn-gas generation and providing a syn-gas generating fluid to generate and recover syn-gas, classified in class 166, subclass 264, without traverse. Applicant reserves the right to file divisional applications capturing subject matter of the non-elected inventions. Applicant believes that all presently pending claims are directed to the elected subject matter.

C. Election of Species

Applicant elects the species of heater described at least in claims 4504-4507 and 4554. The generic name of the elected species is: "heating a coal formation by in situ combustion or a natural distributed combustor/heater." Applicant reserves the right for consideration of claims to additional species written in dependent form upon allowance of a generic claim.

D. Submission of Replacement Sheets

In the Office Action mailed May 11, 2004, the Examiner indicated approval of the proposed drawing corrections mailed on February 27, 2002. Applicant submits the formal drawings approved by the Examiner (7 sheets of drawings including FIGS. 23a, 23b, 32, 44, 54,

55, 59, 60, and 63) as an attachment following page 15 of this paper.

E. Conflicting Claims

Item 12 of the Office Action notes that the claims of the present application may conflict with the claims of one or more of Applicant's copending applications. Applicant submits that the independent claims in each copending application describe patentably distinct inventions. Applicant will attempt to maintain lines of demarcation among the claims in the copending applications.

F. Provisional Double Patenting Rejection

Claims 4500-4508, 4510-4526, 4528-4544, 4546-4553, 4554, 4556, and 4557 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4504-4511, 4514-4530, 4532-4548, 4550-4556, 4558-4560, and 4561 of copending Application No. 09/841,435 (now U.S. Patent No. 6,739,394). Applicant respectfully defers response on this issue until notification that the claims are otherwise in condition for allowance.

G. The Claims Are Not Unpatentable Under 35 U.S.C. § 112, Second Paragraph

Claims 4507, 4526, 4532, 4533, 4536, 4539-4541, and 4544 were rejected under 35 U.S.C. 112, second paragraph, as failing to comply with the written description requirement. Claims 4507, 4526, 4532, 4533, 4536, 4539-4541, and 4544 have been amended for clarification. Applicant respectfully requests removal of the rejections of claims 4507, 4526, 4532, 4533, 4536, 4539-4541, and 4544.

H. The Claims Are Not Anticipated By Bridges Pursuant To 35 U.S.C. § 102(b), or in the Alternative, Are Not Obvious Over Bridges Pursuant To 35 U.S.C. § 103(a)

Claims 4500-4503, 4508, and 4514 were rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 4,144,935 to Bridges et al. (hereinafter "Bridges"). Claim 4524 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges. Claim 4525 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges as applied to claim 4500, and further in view of U.S. Patent No. 4,250,230 to Terry (hereinafter "Terry"). Claim 4528 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges as applied to claim 4500, and further in view of U.S. Patent No. 4,476,927 to Riggs (hereinafter "Riggs"). Claim 4529 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges as applied to claim 4500, and further in view of Terry. Claim 4530 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges as applied to claim 4500, and further in view of U.S. Patent No. 4,662,443 to Puri et al. (hereinafter "Puri"). Claim 4531 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges as applied to claim 4500, and further in view of U.S. Patent No. 4,026,357 to Redford (hereinafter "Redford"). Claims 4532 and 4533 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges as applied to claim 4500, and further in view of U.S. Patent No. 2,914,309 to Salomonsson (hereinafter "Salomonsson"). Applicant respectfully disagrees with these rejections.

In Item 25 of the Office Action states: "It is noted that claims 4504-4507, 4510-4513, 4515-4523, 4526 and 4534-4557 are rejected only under 35 U.S.C. 112(2) and obviousness double patenting, as set forth above." For the sake of expediency, independent claim 4500 has been amended to include features of claim 4510. Applicant respectfully requests removal of the rejections of claim 4500 and the claims dependent thereon.

I. Additional Remarks

Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant believes that no fees are due in association with the filing of this document. If any extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are required, please appropriately charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-09200/EBM.

Respectfully submitted,



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